

FINAL



WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
March 7, 2005

**PRESENT:** LAURA BUONO, CHAIRMAN; LEON METHOT, CO-CHAIRMAN; HELEEN KURK, SELECTMAN; THOMAS REYNOLDS, JR., SELECTMAN; DOUGLAS COOK, SELECTMAN

**TOWN ADMINISTRATOR:** ROBERT CHRISTENSEN

**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** Evelyn Connor, Bob \_\_\_\_\_, Sherry Butt Dunham, Carl Knapp, Frank Campana, George Malette, Donna Osborne, Chuck Bolton, Forrest Esenwine, Ginger Esenwine, George Groce, Kathie Groce, Jay Marden, Rebecca L. Bolton, Naomi L. Bolton

**7:00 Chairman Laura Buono called the meeting to order.**

**1. PUBLIC PARTICIPATION** – Evelyn Connor gave instructions regarding Election Day. Ms. Connor feels that the Selectmen, Mr. Christensen and the Finance Committee have done there jobs and urged the voters to support the Town Budget, stating that there is an increase in utilities and that the town needs the budget to be passed to run properly.

Forrest Esenwine commented that we have come upon another year in which in Town Reports are not available in time for voting. Mr. Esenwine stated that we have had this problem in past years and feels that it is the responsibility of the Board to see that the Town Report is done in adequate time for citizens to review before Election Day.

**2. CALL-IN PROGRAM**

**Question – Article #32**

*What roads are being targeted from maintenance in this article?*

**Response:** Mr. Carl Knapp stated that Shady Hill, Abilgiah Bridge, and Buckley Road will be upgraded. Also more work is needed on the new bridge on Woodbury Road along with some tree cutting and ditch work on Dudley Brook Road. Mr. Knapp stated that in the spring some roads may need top coats, shimming and overlaying.

**Question – Article #55 – petitioned**

*Who submitted this article and why did the Board of Selectman not support it?*

**Response:** Chairman Buono stated that it was submitted by the Moderator, Mr. Neal Kurk and that the Board put no recommendation on it basically because it had been changed at Deliberative Session. Co-Chairman Methot feels that the article was political motivated. Selectman Cook stated that there was a lawsuit brought forth to the town that had been settled but the petitioner was not satisfied with the way the suit was handled and wanted to see the process changed.

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*Why is this new board necessary? Is the town not being adequately represented? This would appoint 5 new people and isn't this the responsibility of the Town Attorney and the Board of Selectman?*

**Response:** Selectman Cook stated that the town has one of the best Land Use Attorney's in the state and that the town has a very good record.

*If Article #55 were to pass would this cause liabilities to the town and cost the town any money?*

**Response:** Chairman Buono stated it would cost the town money because it needs to be defended in court.

*If Article #55 would require 5 individuals, with no legal background, how would they defend the town in court?*

**Response:** Selectman Cook stated they would not be lawyers but would make the decision if something were to be pursued.

*Explain how Article #55 works with GMO and Article #21.*

**Response:** If an article passed that did not have the recommendation from the Planning Board or Board of Selectmen then this committee would decide if it goes to court or not.

Mr. George Malette, lead signer of the petition, stated that the issue is when the voters pass a petition article he feels that petitioned articles need to be properly defended in court. Selectman Cook stated that we have the best Land Use Attorney in the state and that some of the public might misunderstand the need for this article. Selectman Cook also said that the Town's batting average in defending everything in court is 100%.

Mr. Malette said that the main reason for this petition article is to make sure that when something goes to court that it is properly defendable. Mr. Malette also stated that the idea of this petition article is for a citizen committee, made up of 5 individuals, who go to court with the lawyer to make sure that things are properly defended in court.

Mr. Esenwine commented that if Mr. Malette is correct then we would be turning over the town's legal issues to 5 individuals and allowing them to spend the town's money as they decide. If a citizen is forced to take the town to court for a non constitutional ordinance and this could cost the town an incredible amount of money.

### **Question – Article #22 - petitioned**

*Why this petition only is geared to one particular zone and not town wide?*

**Response:** Frank Bolton, petitioner of this article, stated that this article is geared to the rural agricultural zone to become consistent with surrounding towns.

*Has there been any calculation done to determine the impact on the town assessment?*

**Response:** Mr. Bolton stated that the loss to the town would be very minimal. Mr. Bolton stated that the Conservation Commission, who receive the funds; feel that the benefits of this article far exceed the revenue.

### **Question – Article #4 and Article #21**

*What happens if both articles pass? Which one gets adopted? Who decides?*

**Response:** Chairman Buono and Co-Chairman Methot stated that if they both pass that they would have to seek legal counsel.

### **Question – Article #**

*Do you feel that there is a conflict of interest regarding the Growth Management Ordinance because the Chair of the Planning Board is a developer?*

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**Response:** Co-Chairman Methot stated that there is no conflict of interest because the Chair of the Planning Board builds \$700,000+ homes out of town.

Mr. Frank Campana questioned the board on the \$100,000 assessed value they used in the mailer to determine tax impact. Chairman Buono stated that \$100,000 was used for ease of calculation to the voters.

Mr. Campana questioned the Board on Article #27; once we spend \$100,000 of the ladder truck how much more do we need to spend to make it usable? Chief Richards stated that it is his objective to have it operational for \$100,000.

Mr. Campana questioned the Board on Article #30; in regards to demolition of the center fire station. Mr. Campana wants to know what happens if the school passes; would the School Board then be responsible for this demolition. The Board stated that school would be responsible for the demolition but not the relocation of the well and that any monies not spent by the town go back to the General Fund and may possibly be used for tax relief.

### **Question – Article #40 and Article #41**

*If the Conservation Commission is not concerned with the loss of revenue then why are they asking for additional funds?*

**Response:** Mr. Bolton stated that the amount of money would be so minimal that the Conservation Commission felt that the benefit would be greater with larger lot sizes.

Selectman Cook stated that if land comes out of current use to be developed then the town gets 10% tax from the lot but developing the land to build a house costs the town more because of the services the town needs to provide to that home; such as school, fire, and police.

Mr. Bolton stated that what he knows is that houses cost the town money, the more houses we build, then the more it cost the town. The cost of services is more than what we are paying in taxes. If we don't get a handle on the growth in the town then the town is will pay deeply.

### **Question – Article #27**

*How much training will be required by the Firemen to run the ladder truck? How much will this training cost and is it in the budget?*

**Response:** Chief Richards stated that 8 hours of training will be provided with the purchase.

### **Question – Article #23**

*How much is it going to cost to sever the relationship with the current Police Chief? Do we have the money?*

**Response:** Chairman Buono stated that the money is in the operating budget and this is no different from any other employee that would be leaving the employment of the town.

### **Question – Article #27**

*Do we have buildings tall enough to warrant a ladder truck?*

**Response:** Chief Richards stated that this is a vehicle that the town needs and is speared by growth. There are 5 unit condos up at Collins Landing and houses with metal roofs with no way to access. This ladder truck is needed for the safety of fire personnel and to add in vertical ventilation so the guys can do there job.

Chairman Buono stated that there was a question regarding the background check on the individuals running for Police Chief. In researching the matter Selectman Kurk stated that a background check must be performed

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before the Police Chief can be sworn in. If the elected Police Chief is not certified then he would need to pass the physical agility standards and testing for PS&T and successfully complete the Academy in addition to any other hiring criteria, to include a background investigation. Standard background procedures for Chiefs may include the following checks:

- Military record
- Drivers License
- Social Security Card
- High School Diploma, Birth record
- Check National Crime Information Center
- Check all local Police files in all communities where applicant lived and worked for the past 10 years
- State Motor Vehicle Records
- Schools attended in the past 10 years
- Check with past and present neighbors, spouses and landlords
- Check with acquaintances and character references, fraternal and social organizations past and present
- Inquiry to past and present employers for the past five years
- Pursue any leads that the above might lead to
- Fingerprint and criminal record check with FBI and State of New Hampshire

Mr. Esenwine commented in regards to the background check; stating that there should be one set of criteria no matter who is elected. Forrest encourages the Board to do an extensive background check that they would perform on any town position.

End of the call in show.

### **3. PUBLIC HEARING – To hear public testimony and receive information on the posting of Peaslee Hill, Twin Bridge, Rockland and Old Town Road in the town of Weare to no thru trucking.**

Mr. Carl Knapp stated that Peaslee Hill Road is a road that trucks have been using and he feels that this road is not capable of handling a lot of heavy load trafficking.

Ms. Naomi Bolton stated that the intersection of Twin Bridge Road, Norris Road and Route 114 has been a discussion for some time due to the high volume of traffic accidents. Ms. Bolton reminded the Board that in 2001 the same intersection became a topic of conversation with Pam Mitchell from the Department of Transportation. Bus routes were altered because of the danger of this intersection.

Ms. Rebecca Bolton who lives on Norris Road also supports the position that the whole intersection needs to be redesigned. Ms. Bolton informed the Board that this intersection is the site of the most accidents in town and is very difficult to maneuver. Ms. Bolton requests consideration from the Board in redesigning this intersection.

Mr. George Groces of Twin Bridge Road agrees that this is a very dangerous corner. Mr. Groces voiced his concerns on the extremely dangerous situation this intersection poses and feels that adding large trucks to this intersection, along with dangerous speeds could be fatal. Selectman Kurk stated that they will push Southern New Hampshire Planning to work on this intersection.

Mr. Forrest Esenwine thinks that the Board is heading in the wrong direction; the issue is whether they should be posting the road for no thru trucking. Mr. Esenwine reminded the Board that the issue before them is not a dangerous intersection or a gravel pit but the issue is whether it should be posted for no thru trucking. Mr. Esenwine stated that New Boston is going to pave their end of the road and this will make Twin Bridge extremely inviting to all commercial trucks and urges the Selectmen to go ahead with the posting.

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Mr. Knapp agreed that all the statements made tonight are correct and he would like to see assistance from the Board to pressure the State to alleviate this problem.

Selectman Kurk stated that when these roads are posted for no thru trucking that the Police Chief needs to be included to enforce the posting.

Mr. Jay Marden, a former post master from New Boston, voiced his concerns about the fact that Old Town Road will become a major thru way as soon as it is paved.

Ms. Robin Campana of Twin Bridge Road is extremely concerned about the heavy volume of trucks.

Mr. Groces stated again that the issue of the intersection needs to be addressed. The Board told Mr. Groces to also voice his concerns about the intersection with the Police Chief.

**Chairman Buono closed the public hearing at 9:43 p.m.**

**Chairman Buono moved, Selectman Kurk seconded to post the roads listed below to No Thru Trucking. Passed 4-0-0.**

- Peaslee Hill Road (from River Road to East Road)
- Rockland Road (from River Road to Route 77)
- Old Town Road (from Twin Bridge Road to Gould Road)
- Twin Bridge Road (from the intersection of Newman Wilson Rd/Old Town Rd to Route 114)

#### **4. PUBLIC HEARING – To hear public testimony and receive information for receiving donations given to the Fire Department**

**Chairman Buono opened the public hearing at 9:46 p.m.**

Chief Richards informed the Board that the equipment is here and the training has been performed. Captain Mark Kendrick stated to the Board that two aquatic safety kits, including everything needed to perform an ice rescue, have been compiled. One kit is housed at South Station and the other at the Safety Complex.

**Chairman Buono closed public hearing at 10:01 p.m.**

**Chairman Buono moved, Co-Chairman Methot seconded to accept donations given to the Fire Department as listed below. Passed 4-0-0.**

- Four life jackets
- 300` of rope
- 150` of rope
- four 75` - 4 of rope
- two cold water rescue suits
- miscellaneous hardware and software
- 12 carabinas

#### **5. ADMINISTRATIVE REPORT**

Mr. Christensen discussed with the Board the need to construct a master plan for maintenance on all town buildings including updating the windows and air conditioning units in the Town Office Building. Mr.

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Christensen also reminded the Board of the need for fire alarms in the Town Office Building, Town Hall, and Stone Memorial Building.

Chairman Buono agreed with the fact that an agenda of maintenance needs to be compiled.

### 6. MANIFESTS

**Chairman Buono moved, Co-Chair Methot seconded, to authorize the Board of Selectman to sign Manifest and order the Treasurer to sign checks dated March 10, 2005. Passed 4-0-0.**

Accounts payable	\$212,491.04
Gross Payrolls	<u>\$35,158.59</u>
Total	\$247,649.63
Voids	(\$416.80)

**Selectman signed manifest and ordered the Treasurer to sign checks dated March 3, 2005.**

Accounts Payable	\$325,885.58
Gross Payroll	<u>\$30,095.52</u>
Total	\$355,981.10

The Board discussed the Proposed Rules for Implementing the Town Budget brought forth on February 22, 2005 and revised as follows:

1. No town department or board shall expend funds, or incur obligations to expend funds, that exceed either (a) its total appropriation or (b) any individual line appropriation without prior approval, except that the fire department vehicle maintenance lines may be combined, and the highway department vehicle maintenance lines may be combined, and the highway department equipment maintenance lines may be combined without such prior approval.
2. Requests for exceptions to this rule shall be made to the Town Administrator. The Town Administrator has the responsibility to advise the Board of Selectmen of those requests.
3. The Town Administrator may approve requests to transfer funds between individual line appropriations provided the amount does not exceed \$\_\_\_\_\_. The Town Administrator has the responsibility to advise the Board of Selectmen of any requests that are approved. The Selectmen must approve requests for transfers in excess of that amount.
4. The Selectmen must approve requests by a department or board to expend more than its total appropriation, regardless of amount.
5. Any request and approval granted under these rules must be in writing.
6. The "actual and budgeted expenses and encumbrances" and the "budget worksheet – expenditures" reports shall reflect these transfers as indicated in Attachment A.
7. Disregard for this policy will be met with disciplinary action up to and including termination if warranted.

#### Attachment A

##### 1. "Actual and Budgeted Expenses and Encumbrances"

Acc't. No.	Acc't name	Curr. Yr. budgeted	Curr. Yr. adjusted	Period exp.	Year-to-date exp. & encum. Bal. rem.	Bal. rem.	% expended of adj.
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### 2. "Budget Worksheet – Expenditures"

Acc't. No.	Acc't name	2003 adj. budget	2003 actual exp.	2004 adj. budget	2004 actual exp.	2005 proposed	2005 default
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It was discussed that all town departments, including the Fire and Police Departments, will report budget changes and expenditures to Mr. Christensen for presentation to the Board. Co-Chairman Methot stressed the fact that these proposed rules are truly to keep the lines of communications open to all departments.

Chairman Buono stated that the Board needs to be informed of all over expenditure transfers over \$500. Chairman Buono requested that Mr. Christensen inform all town employees of the proposed rules.

### 7. FIRE DEPARTMENT

Bob Richards wanted to recognize Selectman Tom Reynolds and Selectman Doug Cook for their service to the Town. Mr. Richards presented a plaque to Selectman Reynolds on before of the Fire Department.

Mr. Richards announce that they had received a grant for smoke detectors for the needy and elderly. Anyone in need of the smoke detectors needs to contact the Fire Department and they will install them.

Mr. Richards reminded the Board that the tanker was scheduled for an overhaul and is on the Capital Reserve list for next year. It has come to Chief Richards' attention that there is a \$220,000 grant available to replace this tanker. Chief Richards requested the Boards approval to apply for this grant which would enable the town to purchase a tanker for \$12,000 with this grant. The current tanker is from 1975 and the town purchased it used. Chief Richards has 30 days to apply for this grant but needs to know if he has approval and is able to expend the \$12,000. The Board was all in favor of Chief Richards applying for the grant.

### 8. PARK AND RECREATION COMMISSION APPOINTMENTS

It was determined that a letter needs to come forth from the Parks and Recreation Commission before the appointments are made.

Selectman Kurk stated that in the future they would like to converse with committee members to determine if appointed individuals that do not attend meetings should remain members of the committee.

**Chairman Buono moved, Selectman Kurk seconded to appoint Brad Macauley as a member of the Cable Committee. Passed 4-0-0.**

### 9. ADJOURNMENT at 10:55 p.m.

A True Record.

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Cherry Palmisano, Recording Secretary